

By: Hall

S.B. No. 1841

A BILL TO BE ENTITLED

AN ACT

relating to the verification of employment authorization by governmental entities, state contractors, and state grant recipients, including the use of the federal E-verify program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 619 to read as follows:

CHAPTER 619. VERIFICATION OF EMPLOYEE INFORMATION

Sec. 619.001. DEFINITIONS. In this chapter:

(1) "E-verify program" means the electronic verification of employment authorization program of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Pub. L. No. 104-208, reprinted in note, 8 U.S.C. Section 1324a), operated by the United States Department of Homeland Security, or a successor employment authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the employment authorization status of newly hired employees under the federal Immigration Reform and Control Act of 1986 (8 U.S.C. Section 1101 et seq.).

(2) "Governmental entity" means:

(A) the state; or  
(B) a political subdivision of the state, including a municipality, a county, or any kind of district.

Sec. 619.002. VERIFICATION. A governmental entity shall:

1           (1) register and participate in the E-verify program  
2 to verify information of all new employees; or

3           (2) verify the employment authorization status of all  
4 new employees by requiring each employee to provide an unexpired  
5 United States passport or:

6                   (A) one of the following documents:

7                           (i) an original or certified copy of a birth  
8 certificate issued by a bureau of vital statistics for a state;

9                           (ii) a Consular Report of Birth Abroad or  
10 Certificate of Birth Abroad issued by the United States Department  
11 of State;

12                           (iii) a Certificate of United States  
13 Citizenship issued by the federal Department of Homeland Security  
14 or the United States Department of State including an  
15 identification photograph; or

16                           (iv) a Certificate of Naturalization issued  
17 by the federal Department of Homeland Security or the United States  
18 Department of State including an identification photograph; and

19                   (B) one of the following documents:

20                           (i) an unexpired driver's license or  
21 identification card issued by a state;

22                           (ii) an unexpired federal, state, or local  
23 government identification card; or

24                           (iii) an unexpired military identification  
25 card for active duty, reserve, or retired personnel with an  
26 identification photograph.

27           Sec. 619.003. RULES. The Texas Workforce Commission shall

1 adopt rules and prescribe forms to implement this chapter.

2 SECTION 2. The heading to Chapter 2264, Government Code, is  
3 amended to read as follows:

4 CHAPTER 2264. CERTAIN RESTRICTIONS ON [~~USE OF CERTAIN~~] PUBLIC  
5 SUBSIDIES AND STATE CONTRACTS

6 SECTION 3. Section 2264.101, Government Code, is  
7 transferred to Subchapter B, Chapter 2264, Government Code,  
8 redesignated as Section 2264.054, Government Code, and amended to  
9 read as follows:

10 Sec. 2264.054 [~~2264.101~~]. RECOVERY. (a) A public  
11 agency, local taxing jurisdiction, or economic development  
12 corporation, or the attorney general on behalf of the state or a  
13 state agency, may bring a civil action to recover any amounts owed  
14 to the public agency, state or local taxing jurisdiction, or  
15 economic development corporation under this subchapter [~~chapter~~].

16 (b) The public agency, local taxing jurisdiction, economic  
17 development corporation, or attorney general, as applicable, shall  
18 recover court costs and reasonable attorney's fees incurred in an  
19 action brought under Subsection (a).

20 (c) A business is not liable for a violation of this  
21 subchapter [~~chapter~~] by a subsidiary, affiliate, or franchisee of  
22 the business, or by a person with whom the business contracts.

23 SECTION 4. The heading to Subchapter C, Chapter 2264,  
24 Government Code, is amended to read as follows:

25 SUBCHAPTER C. E-VERIFY PROGRAM [~~ENFORCEMENT~~]

26 SECTION 5. Subchapter C, Chapter 2264, Government Code, is  
27 amended by adding Sections 2264.1011, 2264.102, 2264.103, and

1 2264.104 to read as follows:

2 Sec. 2264.1011. DEFINITIONS. In this subchapter:

3 (1) "E-verify program" means the electronic  
4 verification of employment authorization program of the federal  
5 Illegal Immigration Reform and Immigrant Responsibility Act of 1996  
6 (Pub. L. No. 104-208, reprinted in note, 8 U.S.C. Section 1324a),  
7 operated by the United States Department of Homeland Security, or a  
8 successor employment authorization program designated by the  
9 United States Department of Homeland Security or other federal  
10 agency authorized to verify the employment authorization status of  
11 newly hired employees under the federal Immigration Reform and  
12 Control Act of 1986 (8 U.S.C. Section 1101 et seq.).

13 (2) "State agency" has the meaning assigned by Section  
14 2103.001.

15 Sec. 2264.102. VERIFICATION BY CONTRACTORS. (a) A state  
16 agency may not award a contract for goods or services within this  
17 state to a contractor unless the contractor:

18 (1) registers with and participates in the E-verify  
19 program to verify information of all new employees; or

20 (2) verifies the employment authorization status of  
21 all new employees by requiring each employee to provide an  
22 unexpired United States passport or:

23 (A) one of the following documents:

24 (i) an original or certified copy of a birth  
25 certificate issued by a bureau of vital statistics for a state;

26 (ii) a Consular Report of Birth Abroad or  
27 Certificate of Birth Abroad issued by the United States Department

1 of State;

2 (iii) a Certificate of United States  
3 Citizenship issued by the federal Department of Homeland Security  
4 or the United States Department of State including an  
5 identification photograph; or

6 (iv) a Certificate of Naturalization issued  
7 by the federal Department of Homeland Security or the United States  
8 Department of State including an identification photograph; and

9 (B) one of the following documents:

10 (i) an unexpired driver's license or  
11 identification card issued by a state;

12 (ii) an unexpired federal, state, or local  
13 government identification card; or

14 (iii) an unexpired military identification  
15 card for active duty, reserve, or retired personnel with an  
16 identification photograph.

17 (b) Each contract with a state agency must include the  
18 following statement:

19 "\_\_\_\_\_ (name of contractor) certifies that  
20 \_\_\_\_\_ (name of contractor) is not ineligible to receive this  
21 contract under Subchapter C, Chapter 2264, Government Code, and  
22 acknowledges that if this certification is inaccurate, the  
23 contractor may be barred from participating in state contracts."

24 (c) If a state agency determines that a contractor was  
25 ineligible to have the contract awarded under Subsection (a), the  
26 state agency shall refer the matter to the comptroller for action.

27 (d) Each state agency shall develop procedures for the

1 administration of this section.

2 Sec. 2264.103. BARRING FROM STATE CONTRACTS. (a) Using  
3 procedures prescribed under Section 2155.077, the comptroller  
4 shall bar a contractor from participating in state contracts if the  
5 comptroller determines that the contractor was awarded a contract  
6 in violation of Section 2264.102.

7 (b) Debarment under this section is for a period of one  
8 year.

9 Sec. 2264.104. VERIFICATION BY GRANT RECIPIENTS. (a) A  
10 state agency may not award a grant unless the grant recipient:

11 (1) registers with and participates in the E-verify  
12 program to verify information of all new employees; or

13 (2) verifies the employment authorization status of  
14 all new employees by requiring each employee to provide an  
15 unexpired United States passport or:

16 (A) one of the following documents:

17 (i) an original or certified copy of a birth  
18 certificate issued by a bureau of vital statistics for a state;

19 (ii) a Consular Report of Birth Abroad or  
20 Certificate of Birth Abroad issued by the United States Department  
21 of State;

22 (iii) a Certificate of United States  
23 Citizenship issued by the federal Department of Homeland Security  
24 or the United States Department of State including an  
25 identification photograph; or

26 (iv) a Certificate of Naturalization issued  
27 by the federal Department of Homeland Security or the United States

1 Department of State including an identification photograph; and

2 (B) one of the following documents:

3 (i) an unexpired driver's license or  
4 identification card issued by a state;

5 (ii) an unexpired federal, state, or local  
6 government identification card; or

7 (iii) an unexpired military identification  
8 card for active duty, reserve, or retired personnel with an  
9 identification photograph.

10 (b) Each grant contract or agreement with a state agency  
11 must include the following statement:

12 "\_\_\_\_\_ (name of grant recipient) certifies that  
13 \_\_\_\_\_ (name of grant recipient) is not ineligible to receive  
14 this grant under Subchapter C, Chapter 2264, Government Code, and  
15 acknowledges that if this certification is inaccurate, the grant  
16 may be terminated without further payment."

17 (c) If a state agency determines that a grant recipient was  
18 ineligible to have the grant awarded under Subsection (a), the  
19 state agency shall notify the grant recipient in writing that the  
20 grant recipient must comply with Subsection (a) before the 31st day  
21 after the date the grant recipient is notified.

22 (d) The state agency shall terminate the grant without  
23 further obligation to the grant recipient on the 31st day after the  
24 date the grant recipient is notified under Subsection (c) if,  
25 before that date, the grant recipient has not provided evidence  
26 that the grant recipient has complied with Subsection (a).

27 (e) Each state agency shall develop procedures for the

1 administration of this section.

2           SECTION 6. The Texas Workforce Commission and each state  
3 agency subject to Subchapter C, Chapter 2264, Government Code, as  
4 amended by this Act, shall develop the rules and procedures  
5 required under Sections 619.003, 2264.102(d), and 2264.104(e),  
6 Government Code, as added by this Act, as applicable, not later than  
7 October 1, 2015.

8           SECTION 7. Sections 2264.1011, 2264.102, 2264.103, and  
9 2264.104, Government Code, as added by this Act, apply only in  
10 relation to a:

11                   (1) contract for which the request for bids or  
12 proposals or other applicable expressions of interest is made  
13 public on or after the effective date of this Act; and

14                   (2) grant for which the notice of funds availability  
15 or of funding opportunity is made public on or after the effective  
16 date of this Act.

17           SECTION 8. This Act takes effect September 1, 2015.